

Amended Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

Dayton DIVISION

Darnell Wesley Moon

(Enter Above the Name of the Plaintiff in this Action)

vs.

Case # 3:15-CV-00424-MJN

Richard K. Jones, Sheriff

(Enter above the name of the Defendant in this Action)

"Jury Trial Demanded"

If there are additional Defendants, please list them:

Dennis Adams, Corrections Captain  
Butler County Jail

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Darnell Wesley Moon

Name - Full Name Please - PRINT  
Graysen County Detention Center, 320 Shaw Station Road

Street Address

Leitchfield, KY 42754

City, State and Zip Code

615-606-9169

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Richard K. Jones, Sheriff  
Name - Full Name Please  
705 Hanover Street, Hamilton, OH 45011  
Address: Street, City, State and Zip Code
2. Dennis Adams, Corrections Captain  
705 Hanover Street, Hamilton, OH 45011
3. Butler County Jail  
705 Hanover Street, Hamilton, OH 45011
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

## II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☒ Title 28 U.S.C. § 1343(3)  
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☒ Title 28 U.S.C. § 1331  
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)  
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☒ Title 42 United States Code, Section 1985(3)  
[Other federal status giving the court subject matter jurisdiction.]

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III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

(See Attached)

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IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.  
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

\_\_\_\_\_. vs. \_\_\_\_\_  
\_\_\_\_\_. vs. \_\_\_\_\_  
\_\_\_\_\_. vs. \_\_\_\_\_  
See PACER.gov

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

(See Attached Request for Relief)

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 23 day of May, 2017.

Signature of Plaintiff

*David L. Moon*



## I. Jurisdiction And Venue

1. This is a civil action, authorized by 42 USC 1983 to redress the deprivation of rights, secured by the US Constitution, laws, and treaties of the United States. This court has jurisdiction pursuant to 28 USC 1331. Plaintiff's claims for declaratory relief are authorized by 28 USC 2201 and 2202. Plaintiff brings a state law claim for Intentional Infliction of Emotional Distress under Ohio state law. This court has venue pursuant to 28 USC 1391(b)(2), because it is where the events giving rise to this cause of action occurred.

## II. Parties

2. Plaintiff, Darnell Wesley Moon, is the plaintiff in the case. Address: Grayson County Detention Center, 320 Shaw Station Road, Lexington, KY 40504.
3. Defendant, Richard K. Jones, is the Sheriff of Butler County. Address: 705 Hanover Street, Hamilton, OH 45011.
4. Defendant, Dennis Adams, is the Corrections Captain of Butler County Jail. Address: 705 Hanover Street, Hamilton, OH 45011.
5. Defendant, Butler County Jail, is located at 705 Hanover Street, Hamilton, OH 45011.
6. At all times herein, each defendant acted under the color of state law. Each defendant is being sued in his individual capacity. The claims against Butler County Jail are "Monell" claims.

## III. Statement of Claim

7. Plaintiff, Darnell Wesley Moon, is a Sunni Muslim, and has been so since 2012. On March 27, 2015, the plaintiff was placed in the Butler County Jail, via the US Marshals Services. Upon entering the jail, the plaintiff was taken to a shower area and told to strip out of all of his clothing. There were several other inmates present as well. I was told to stand shoulder-to-shoulder with several other inmates, completely naked, and I was forced to strip-search in front of these inmates. Some of the inmates began cruelly laughing at my body, and the officer who stripped me out began laughing as well. This was a humiliating process, and caused plaintiff severe emotional distress and pain.
8. After the strip-search was over, I was provided with a towel, no washcloths, a pair of shower shoes, and a pair of 2XL pants, and a 2XL orange jail shirt. I was NOT given any hygiene, no soap, toothpaste, tooth brush, lotion, shampoo, or a comb. When I asked the unknown named officer who stripped me out for these items, he told me to ask the officer in the unit for these items. Once I was taken to the unit, I was placed in the cell with a white inmate who had been having altercations with the officers in the unit. I was told that I was being placed in "Administrative Lockup" in the unit, because of my "history of violence." I told the officer that I had no "history of violence," but he told me to explain that to the Corrections Captain, Dennis Adams.
9. After I was placed in the cell, and introduced to my cellmate, I looked out the window, and noticed that the entire pod was filthy. There seemed to be dirt all over the floor, on the walls, on the stairwell bars, everywhere. In addition, I could see that there was a shower, that had green and black grime all throughout it, and that there were inmates taking showers, with no shower curtain. The 3 inmates



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that were in the shower all appeared to be nervous and jittery, and uncomfortable at having to take a shower in the presence of other inmates, completely exposed to every inmate in the unit.

10. After about 3 or 4 days of being in the cell with my celly on "Administrative Lockup," I asked the officer working the unit if I could have a shower. He told me "no." When I asked for a grievance he refused to give me one. A few days after I asked to take a shower, I was moved to another cell, with another white inmate who had pled guilty to a federal bank robbery (according to what he told me).
11. Upon being placed in the cell with the other white inmate, I was told I would be sleeping on the top bunk. The mattress provided to me at booking was so thin, that there was no way an inmate could sleep on it, on a metal bunk, without feeling the metal of the bunk assigned to him. Furthermore, I also noticed that not only was the toilet in the cell defective, but also that the walls in the cell were coated with what appeared to be dirt, mold, and/or fungus. I asked my cellmate why the room was so dirty, and he told me that the correctional officers in the unit refused to provide him and other inmates with cleaning supplies. He also told me that the officers refused to turn off the light in the cell, so I would have a hard time sleeping. The entire time I was @ the jail, the officers, working the unit, on all 3 shifts, refused to turn off the light in my cell, refused to fix the broken toilet and sink, refused to give me hygiene and cleaning supplies.
12. During my stay @ the jail, I was forced to take cold showers (the hot water was not working), and I had to borrow shower shoes and hygiene from other inmates. Furthermore, because there was no shower curtain, my entire body was exposed, completely, to other inmates, while I was showering. The shower was so dirty, coated with fungus/mold/slime.
13. During my stay at the jail, I was forced to go completely hungry, for almost 2 weeks, because I, along with other inmates, was/were all served inedible food. The breakfast served during the time I was at the jail, did not vary much. Most days, we were served "horse oats," putrid powdered milk, along with a piece of hard cornbread. The oats had black specks in it, and upon further examination, I realized that the specks were gnats (insects). Lunch and dinner consisted of inedible meat, hard cornbread, all served on filthy, dirt coated, unwashed food trays. When I asked the officers why the food was being served uncaked, why it was inedible, I was told that the food menu, "food quality", and "food service" were "contracted out" to a third-party food service vendor (I presume, unsurprisingly, that the name of the company is Hraman or a similar company), and that the Sheriff and Dennis Adams had both approved it. I lost several pounds at the jail.
14. My repeated requests for hygiene, socks, boxers, for cleaning supplies, for a new mattress, and for the light to be cut off in my cell went ignored/unanswered by all of the officers. And, the officers turned the air in my cell, to what felt like below freezing temperatures.
15. When I initially arrived in the unit, I informed the officer in the unit that I am a Sunni Muslim, and that amongst other things, I'm required to pray at a minimum 5 times per day. I requested that the jail make accommodations for me, so that I could exercise my religious beliefs. I requested an Arabic Holy Qur'an (I am fluent in Arabic), because it is obligatory for Muslims to read the Qur'an in Arabic, a 100% halal diet (similar to the Certified Halal/Kosher diet provided to Muslims in the BOP), an Islamic prayer rug (or in the alternative, extra towels), a special bottle or a plastic soda bottle, emptied, so that I could fill it up with water and cleanse myself after I urinate and/or defecate, which is obligatory for all Muslims, Islamic reading material (hadith, books about the Prophet Muhammad), and I asked that an Imam be allowed to come to the jail to lead the weekly



Jumu'ah service. The officer told me he could not help me for 2 reasons: First, he told me that he did NOT have the power to give me any of the items I asked for; Second, he told me, that per Dennis Adams and the Sheriff, and per jail policy (which is approved by the Sheriff and Dennis Adams), inmates are NOT allowed to have Arabic Qur'ans, whether hardback or softback, plastic bottles of any kind, no extra towels, no Islamic reading material, and that the jail does "not provide halal diets" regardless of religion. When I asked for a grievance, he told me I was wasting my time, and told me to go back to my cell. I got a request from my cellmate, and I requested the previously mentioned religious items. After a few days had gone by, I asked the unit officer about the status of my request. He got on the phone, spoke to someone, and told me my request had been denied. After almost 2 weeks @ the jail, I was transferred back to the Eastern District of Missouri.

#### IV. Legal Claims

16. Plaintiff contends that defendants Jones, Adams, and other unknown identified defendants violated his right to Free Exercise of Religion, and substantially burdened the plaintiff's ability to exercise his religious beliefs, when they refused to (1) place plaintiff on a Certified Halal diet, similar to the one provided to Muslim inmates in the Federal Bureau of Prisons custody (the BOP orders its Halal/Kasher items from Midamar and Itala Co), (2) Refused to provide plaintiff with an Arabic Holy Qur'an, (3) Refused to provide plaintiff with a small empty bottle so he can perform "istinja", the act of cleansing oneself after urination and/or defecation, (4) Refused to provide plaintiff with fresh towels so he could pray (on a prayer rug), and (5) refused to provide plaintiff with Islamic reading material. Plaintiff also brings a "monell" claim against the Butler County Jail, because according to the officer plaintiff spoke to, the jail does NOT make religious accommodations for Muslims per jail policy. Defendants substantially burdened plaintiff's exercise of his religion.

17. Plaintiff contends that defendants Adams, Jones, and other unknown unidentified officers violated plaintiff's right to be free from Cruel and Unusual Punishment when they, by their actions and inactions, (1) refused to provide plaintiff with any hygiene (soap, lotion, shampoo, deodorant, combs, toothbrushes, toothpaste grooming materials), (2) refused to give plaintiff any wash cloths and clean towels, (3) forced plaintiff to take a shower, with no shower curtain, with no hot water in a mold/dirt/slime covered shower, (4) refused to give plaintiff a mattress that was suitable, forcing him to sleep on a bunk with practically no cushion, (5) refused to give plaintiff cleaning supplies, forcing him and his cellmate to live in a cell with no working toilet, that was covered with dirt and mold, (6) forced the plaintiff to live in a filthy, dirt and mold infested pod.

18. Plaintiff contends that defendants Adams, Jones, and other unidentified officers violated his right to be free from Cruel and Unusual Punishment when they refused to turn off plaintiff's light in his cell, forcing him to live in constant illumination for almost 2 weeks.

19. Plaintiff contends that defendants, Adams, Jones, and other unidentified officers violated his right to be free from Cruel and Unusual Punishment when they served plaintiff and other



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inmates inedible, un-nutritious meals that were all putrid. First, as plaintiff stated, on all of the breakfast trays, the milk served, which was served from a large brown container, tasted spoiled and/or putrid, which all of the inmates even noticed. The breakfast consisted of watery oats, "horse oats," something not even fit for humans to eat, and hard cornbread. Lunch and dinner were also no better. The "meat," at least that's what we were told it was, was clearly uncooked, tasted putrid, and often was mixed with vegetables that were uncooked. I decided to starve, rather than eat the food and end up sick. I was told the food was served via a third-party food vendor.

14. Plaintiff contends that defendant Jones, Adams, and other unidentified officers violated his right to be free from Cruel and Unusual Punishment, when they turned up the air in the cell, to what felt like below freezing, forcing plaintiff to live in these conditions for almost 2 weeks.

20. Plaintiff brings a claim of Intentional Infliction of Emotional Distress against defendants Adams, Jones, other unidentified officers, because it is the plaintiff's belief that Sheriff Jones, Adams, through their policies, actions, and inactions, that they tended to inflict emotional distress upon plaintiff and other inmates @ the jail. The plaintiff has suffered severe and extreme emotional anguish because of what defendant did to him.

21. Plaintiff contends that defendants Adams, Jones, unidentified officer, and Butler County Jail, through their policies, actions, and inactions, violated plaintiff's right to be free from Cruel and Unusual Punishment when they forced plaintiff to stand shoulder-to-shoulder upon being booked in, strip-naked in front of other inmates, and laughed @ the plaintiff during the entire process. This is also the result of a "policy" of Butler County Jail, to strip search inmates in this fashion.

### V. Requested Relief

22. Wherefore, plaintiff requests the following relief:

- (a) A declaration that the defendants acts/omissions violated the Constitution, laws, and/or treaties of the United States;
- (b) Compensatory damages to be determined by the Court;
- (c) Punitive damages to be determined by the Court;
- (d) A jury trial on all issues triable by a jury;
- (e) Any other equitable/appropriate relief.

15/ *Paul M. M.*

~~date:~~ date: 5/29/2017